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OFFICE OF PETITIONS
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In re Application of
Park et al
Application No. 09/008,525
Filed: January 16, 1998
Attorney Docket No. AB 778 US

DECISION
GRANTING PETITION
DECISION VACATING NOTICE
OF ABANDONMENT

This is a decision on the petition entitled, "Request for Withdrawal of Holding of Abandonment, filed April 26, 1999. The petition was recently forwarded to the Office of Petitions for consideration. The Office sincerely apologizes for any inconvenience occasioned by the delay in addressing the petition. The petition will be treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is granted.

The Office contended that this application became abandoned for failure to reply timely to Notice to File Missing Parts, mailed April 15, 1998. The Office alleged that no extensions of time were obtained pursuant to 37 CFR 1.136(a) and that this application became abandoned on June 15, 1998. A Notice of Abandonment was mailed March 26, 1999.

Petitioner asserts that the application never went abandoned because a reply to the April 15, 1998 Notice to File Missing Parts was hand delivered to the Office on June 29, 1998 -- well within the extendable period for response. To bolster petitioner's case, petitioner has provided, *inter alia*, a copy of a petition for a one month extension of time, a copy of an authorization to charge petitioner's deposit account for the surcharge for filing a late declaration and for a one month extension of time, a copy of an executed declaration, and an itemized postcard receipt showing the filing was received in the Office of Initial Patent Examination on June 29, 1998. In addition, the Office has recovered the actual June 29, 1998 filing that shows an OIPE date stamp affixed thereto. Therefore, the Notice of Abandonment was mailed in error and is hereby vacated.

Pursuant to petitioner's authorization, Deposit Account No. 19-0124 will be charged \$110.00 for the one month extension of time and \$130.00 for filing a late declaration.

The Office acknowledges receipt of an Associate Power of Attorney and a Change of Attorney Docket Number, both filed January 29, 1999.

The application file will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
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Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy